

To expedite prosecution, the present paper also addresses patentability of claims 8-10 over the Young and Slater references discussed in the previous Action.

To the extent that the Examiner views the claim recitations as not fully supporting the following remarks, any suggestions by the Examiner will be welcome in order to dispose of all remaining issues.

Claim 8

Among other features, claim 8 clearly requires that the system automatically disconnect an electroacoustical transducer from a plug (connected to an audio device), and automatically connect the transducer to a plug connected to a communication device, “in response to [a] signal”. The signal specifically is recited as one which is generated upon detection that the communication device outputs a call-related electric signal.

The Action admits that Young fails to implement such operation, but relies on Slater as disclosing such a feature in the abstract as well as at col. 6, line 57 through col. 7, line 7.

It is submitted however, that while applicants’ claim clearly sets forth a signal responsive operation, Slater also fails to provide or suggest such operation. Mere presence of VOX circuitry fails to provide such operation.

Recognizing that a reference must be considered in its entirety, it is particularly noted that the VOX circuits of Slater are defined as “voice operation circuit[s] ... dedicated to the particular microphone/switch combination”. That is, each VOX circuit 62 outputs a signal when detecting a voice signal (as opposed to a noise signal) from its related microphone. Thus, the reference uses a plurality of VOX circuits in order to

activate one microphone at a time, upon detection of a voice output, rather than activating all microphones when any microphone outputs a voice signal.

Such operation is provided in order simply to reduce a high level of multi-microphone noise (col. 6, lines 67-68).

However, nothing in the referenced disclosure relates to switching *another* device to an electroacoustical transducer.

Indeed, another VOX circuit 102 in Fig. 2 is used, *together with a manually operated push-to-talk switch*, to detect audio in a received signal. Connection of the output of VOX 102, however, is not automatically implemented without intervention of *another manually operated priority switch 22*, described at col. 5, lines 37-38 as “allowing the pilot to change the ‘weighting’ assigned to the various intercom inputs...”.

In other words, Slater fails to teach or suggest that, as required by claim 8, detection of a call-related electric signal results in a “detection result signal” and that, “in response to the detection result signal” there exists a second means “for automatically disconnecting the first plug from the electroacoustical transducer and automatically connecting the second plug to the electroacoustical transducer”.

It is first noted that, in the prior Action, reliance is only on the Slater disclosure at col. 6, line 57 through col. 7, line 7 and the abstract.

The abstract clearly states that “Microphone and aircraft radio partial mute circuitry *are interfaced through a priority selector switch...*” which is manually operated between two positions.

The abstract does assert that, in one position, the signals from one source “*partially mute*” the signals from the other. However, partial muting is not equivalent to

disconnection of a plug and connection of another plug. Particularly, no such partial muting is described in the portion of cols. 6-7 relied upon by the Examiner, which relates only to a detection of which microphone(s) is (are) outputting an audio signal.

It is further apparent that, irrespective of presence or absence of outputs from any of VOX circuits 62, on the one hand, or VOX 102, on the other, signals from each nonetheless are connected to the summing amplifiers for output to the left and right channel audio outputs.

Thus, neither set of VOX circuits operates to disconnect the other, as apparently asserted in the Action.

If the Examiner considers that signals inputted via summing resistors 112a,b are being disconnected, or connected, in response to detection signals, then such reliance should be made clear. It is noted that no such assertion has been made, and no portion of the reference has been identified in that regard. However, it is noted that the levels of such signals inputted to summing amplifiers 34a,b are “automatically lowered” (col. 9, line 6) based on the output of OR gate 100, which represents reception of either intra-cabin intercom usage or receipt of an aircraft radio transmission.

Thus, even in this instance, the reference fails to automatically *disconnect* one *plug* and automatically *connect* the other *plug*. It is again noted that elements 110a,b are explicitly disclosed as “*partial-mute switches*”, and not connect disconnect devices.

Claim 9

It is respectfully submitted that, in requiring reference levels as recited in claim 9, applicants provide a feature of the invention which is clearly differentiated from the art.

It is respectfully submitted that the Action fails to identify any teaching or suggestion of connection or disconnection of a plug “when the level detected by the first means is equal to or higher than a predetermined reference level.”

Still further, it is courteously submitted that claim 9 requires specific timing constraints to be met, and that the Action fails completely to address this feature.

Claim 9 requires automatically disconnecting the second plug from the transducer and connecting the first plug to the transducer “in cases where the level detected by the first means drops below the predetermined reference level and then remains lower than the predetermined reference level for a **duration LONGER THAN A PREDETERMINED TIME LENGTH**”.

The Action is completely silent as to this requirement.

Slater is completely silent as to this requirement.

Accordingly, it is clear that *the Action has failed to make a prima facie showing of obviousness of the invention, even if the applied references were combined.*

The Examiner is courteously referred to the remarks presented at page 6 in the paper of October 5, 2001, noting that the third means of claim 9 responds to detection of a ***reduction*** in signal level for a ***sufficiently long time*** by ***automatically reconnecting*** the audio device.

Similarly the fourth means of claim 9 responds to detection of a ***reduction*** in signal level which ***does not exceed the predetermined interval*** by ***maintaining connection*** to the communication device.

No such time dependent reconnection or maintained connection is disclosed or suggested by the art applied by the Examiner.

Accordingly, it is urged that reconsideration of the rejection of claim 9 is clearly in order, as the art relied upon fails to teach, suggest, motivate or urge one of ordinary skill to implement any such features.

Claim 10

Claim 10 depends from claim 8 and, in view of patentability of claim 8 for the reasons hereinabove set forth, it is respectfully submitted that claim 10 is similarly patentable.

Nonetheless, it is also noted that the claim recites structure neither disclosed nor suggested by the applied art. The assertion that Young inherently discloses a microphone and a switch "all in relation to the function of the control box" fails to address the specific recitation. Moreover, it is well settled that "inherency" requires more than the possibility or likelihood of obtaining the invention based on the prior art, but requires inevitability of meeting the requirements of the claims based on the disclosure of the prior art.

In the present instance, the Examiner has not identified any disclosure which meets this requirement. Col. 3, lines 52-53 of Young is the totality of the disclosure relied upon.

However, this portion of the reference (taken in its entirety) simply states that "A Position Signal, generated by a microswitch 41 on an actuating microphone 42 attached to the headset 40, is transferred over Position Signal line 49 to indicate the position of the microphone."

However, this disclosure is irrelevant to the requirement for a microphone connected to the *second* plug (i.e., the plug for disconnectable connection with the recited communication device), and a switch connected to that same *second* plug for generating a control signal transmitted to the portable communication terminal.

The Examiner is reminded that element 42, etc. is part of the audio device, i.e., connected to the *first* plug and *not the second plug*.

The explicit configuration recited in claim 10 cannot be ignored.

Accordingly, it is courteously submitted that, whether by dependence on claim 8 or by its own recitation, reconsideration of the rejection of claim 10 is in order.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and an early indication of the same is courteously solicited. In order to expedite resolution of any remaining issues and further to expedite passage of the application to issue, the Examiner is respectfully requested to contact the undersigned by telephone at the below listed local telephone number if any further comments, questions or suggestions arise in connection with the application.

Respectfully submitted,
Clark & Brody



Israel Gopstein
Registration No. 27,333

1750 K Street, N.W. Suite 600
(202) 835-1111
(202) 835-1755 (fax)
April 22, 2002